

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ACS RECOVERY SERVICES, INC.,

Plaintiff

-against-

Civil Action Number:
07cv7352(VM)(DFE)

MICHELLE MARSHALL,

Defendant.

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MOTION TO DISMISS IN LIEU OF ANSWER;
MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM;
MOTION FOR SUMMARY JUDGMENT

Upon the attached complaint and the affirmation of Oscar Michelen, attorney for defendant, and the exhibits thereto, defendant Michelle Marshall moves pursuant to Rule 12(b)(6) and 56(b) of the Federal Rules of Civil Procedure for dismissal of the complaint in lieu of answer; for dismissal of the complaint for failure to state a claim upon which relief can be granted and for summary judgment and for such other and further relief as the court deems just and proper.

The motion will be brought before the Honorable Victor Marrero, in courtroom 20B, United States Courthouse, 500 Pearl Street, New York, New York, on the 29th day of February, 2008, at 9:30 in the forenoon, or at such other date and time as set by the court.

Dated: Mineola, New York
January 24, 2008

Respectfully submitted,

BY: 

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